

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Phillips)	ATTORNEY DOCKET:	01723326
)		
SERIAL NO.:	09/481,207)	GROUP ART UNIT:	1625
)		
PATENT NO.:	6,489,346)	EXAMINER:	Fan, J.
)		
FILED:	January 1, 2000)		
)		
TITLE:	Substituted Benzimidazole Pharmaceutical Compositions			
)		
DATE:	September 12, 2007)	CUSTOMER NO.:	26565
)		

Mail Stop Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST TO CORRECT SMALL ENTITY STATUS
PURSUANT TO 37 C.F.R. § 1.28(c)**

Dear Sir:

This Request relates to Patentee's prior submission dated August 27, 2002 (copy attached), requesting the PTO to change Patentee's entity status from a small entity to a large entity. As detailed below, Patentee respectfully requests the PTO (a) modify its record to reflect such change; and (b) charge Deposit Account No. 13-0019 in the amount of \$1,340.00 to cover the difference between the large and small entity fees for the issue fee and first maintenance fee and the processing fee pursuant to 37 C.F.R. § 1.17(i).

On June 27, 2002, the Patentee's entity status changed from small to large entity. On July 9, 2002, the issue fee was inadvertently paid as a small entity. On August 27, 2002, Patentee notified the PTO that its entity status had changed and authorized the Office to charge its deposit account for the deficiency amount of, at that time, \$640.00. On October 2, 2002, the PTO mailed a communication stating that the amendment from the Applicant dated August 27, 2002 had been entered (copy attached). Nevertheless, our Deposit Account records from August through December 2002 do not indicate that a charge of \$640.00 was ever posted to our account, and the records of the PTO still indicate that Patentee claims small entity status. On June 5, 2006, the first maintenance fee was inadvertently paid as a small entity.

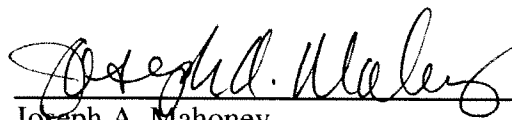
In August 2007, the undersigned examined the records and determined that the entity status was never changed by the PTO in 2002. Accordingly, Patentee hereby authorizes the PTO to charge a total of \$1,340.00, to cover the deficiency amount for the issue fee and first maintenance fee of \$1,210.00 and the processing fee of \$130.00, to Deposit Account No. 13-0019.

Calculation of the amounts owed are made as follows:

Payment Type	Original Payment (as small entity)	Current Payment (as large entity as of August 2007)	Deficiency
Issue Fee	\$640.00	\$1,400.00	\$760.00
First Maintenance Fee	\$450.00	\$900.00	\$450.00
Processing Fee	N/A	\$130.00	\$130.00
TOTAL Payment:			\$1,340.00

If there are any additional fees due in connection with the filing of this communication, please charge these additional fees (or credit any overpayment) to Deposit Account No. 13-0019. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and such fee should also be charged to our Deposit Account. Thank you.

Respectfully submitted,


Joseph A. Mahoney
Reg. No. 38,956

MAYER BROWN LLP
P.O. Box 2828
Chicago, Illinois 60690-2828
Telephone: (312) 701-8979
Facsimile: (312) 706-9000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,207	01/11/2000	JEFFREY OWEN PHILLIPS	40015630-003	5317

7590 10/02/2002
JOSEPH A. MAHONEY
MAYER, BROWN & PLATT
P.O. BOX 2828
CHICAGO, IL 60690-2828

EXAMINER

FAN, JANE T

ART UNIT	PAPER NUMBER
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1625

33

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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33

DATE MAILED:

Response to Rule 312 Communication

- ☐ The petition filed _____ under 37 CFR 1.312(b) is granted. The paper has been forwarded to the examiner for consideration on the merits.

Director,
Patent Examining Group _____

- ☒ The amendment filed 8/27/02 under 37 CFR 1.312 has been considered, and has been:

- ☒ entered.
☐ entered as directed to matters of form not affecting the scope of the invention (Order 3311).
☐ disapproved. See explanation below.
☐ entered in part. See explanation below.

Isaac Abbe

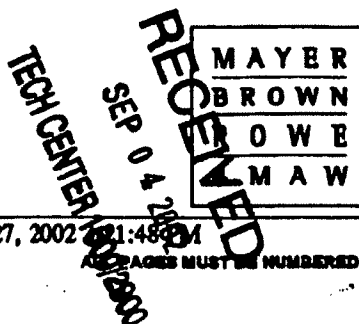
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FROM: Zobeida G. Beal
Direct phone: (312) 701-8610
Direct fax: (312) 706-8248

Date/time: Tuesday, August 27, 2002 3:48 PM
Pages: 02

ALL PAGES MUST BE NUMBERED

TO THE FOLLOWING:

Name	Company	Fax #
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Independent Mexico City Correspondent: Juregui, Navarrete, Nader y Rojas, S.C.

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2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Jeffrey O. Phillips

Serial No. 09/481,207

Allowed: May 24, 2002

Filed: January 11, 2000

For: **NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE
FORMS AND METHOD OF USING SAME**

Box: Issue Fee
Commissioner for Patents
Washington, D.C. 20231

Attorney Doc. 01/1328

) Group Art Unit: 1625

) Examiner: Jane T. Fan

**CERTIFICATE OF FACSIMILE
TRANSMISSION**

I hereby certify that this letter for
United States Patent Serial Number
09/481,207, is being facsimile
transmitted to the United States
Patent and Trademark Office, Box:
ISSUE FEE, fax number (703)-305-
4372, on the date shown below.

Zobaida B. Beal
Zobaida G. Beal

Date: 8/27/02

TRANSMITTAL LETTER

We advise the United States Patent and Trademark Office that the Applicant, the Curators of the University of Missouri, has changed its entity status from a small entity to a large entity.

As the issue fee submitted was based on the small entity status, we hereby authorized the Commissioner to charge the additional fee of \$840.00 directly to our Deposit Account No. 13-0019.

It is requested that the Patent Office kindly acknowledge receipt of this letter via return facsimile.

Respectfully submitted,

By:

Joseph A. Mahoney
Joseph A. Mahoney
Reg. No. 38,958

Dated: 8/27/02

MAYER, BROWN, ROWE & MAW
P.O. Box 2828
Chicago, Illinois 60690-2828
(312) 701-8979



7-10-02 #34 KSM B
Attorney Docket: 01723326

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Jeffrey O. Phillips

Serial No. 09/481,207

Allowed: May 24, 2002

Filed: January 11, 2000

For: NOVEL SUBSTITUTED BENZIMIDAZOLE
DOSAGE FORMS AND METHOD OF USING
SAME

Official Draftsperson
Commissioner for Patents
Washington, D.C. 20231

) Group Art Unit: 1625

) Examiner: Jane T. Fan

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number EV 1137144048

Date of deposit 9 JUL 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Joseph A. Mahoney
(typed or printed name of person mailing paper or fee)

Joseph A. Mahoney
Signature of person mailing paper or fee)

TRANSMITTAL LETTER

In response to the Correction of Informalities – 37 C.F.R. 1.85, mailed on May 24, 2002, with the Notice of Allowability, Applicant encloses the formal drawings, which consists of figures 1-4.

The Commissioner is hereby authorized to charge any fees, if required, on this transaction to our deposit account 13-0019.

The Office is requested to contact the undersigned if there are any issues regarding this Response.

Respectfully submitted,

Joseph A. Mahoney
Registration No. 38,956

Mayer, Brown, Rowe & Maw
P.O. Box 2828
Chicago, Illinois 60690-2828
(312) 701-8979

Dated: July 9, 2002

1/2

FIG. 1

6489346

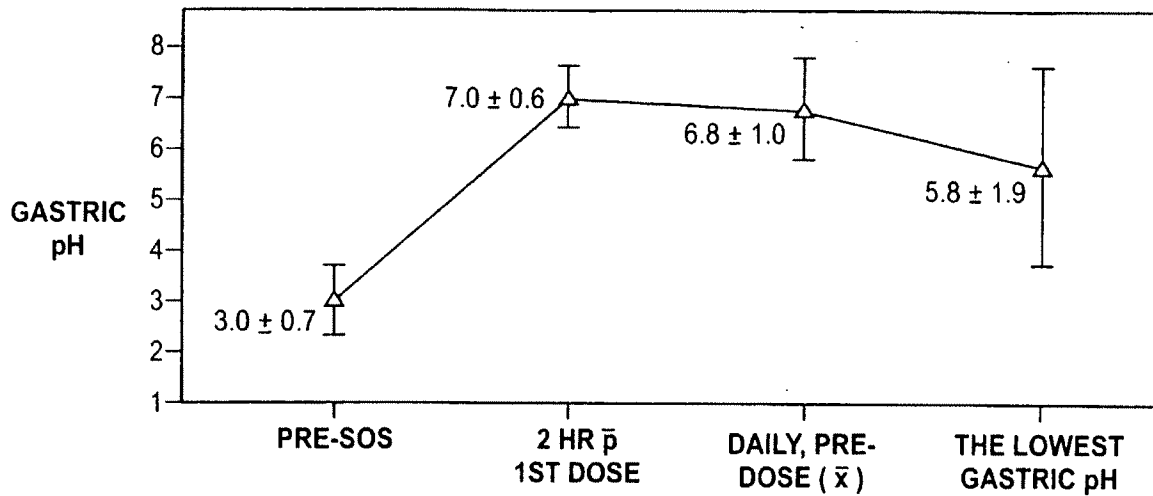
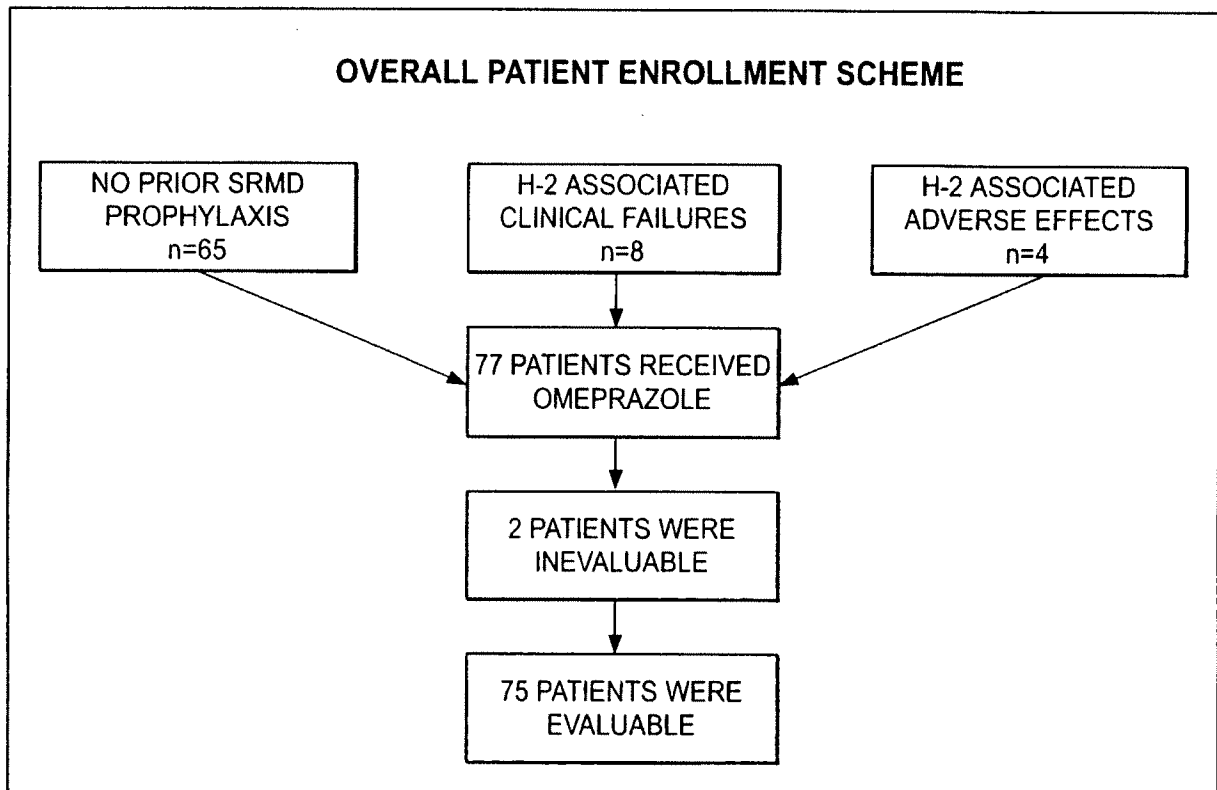


FIG. 2



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FIG. 3

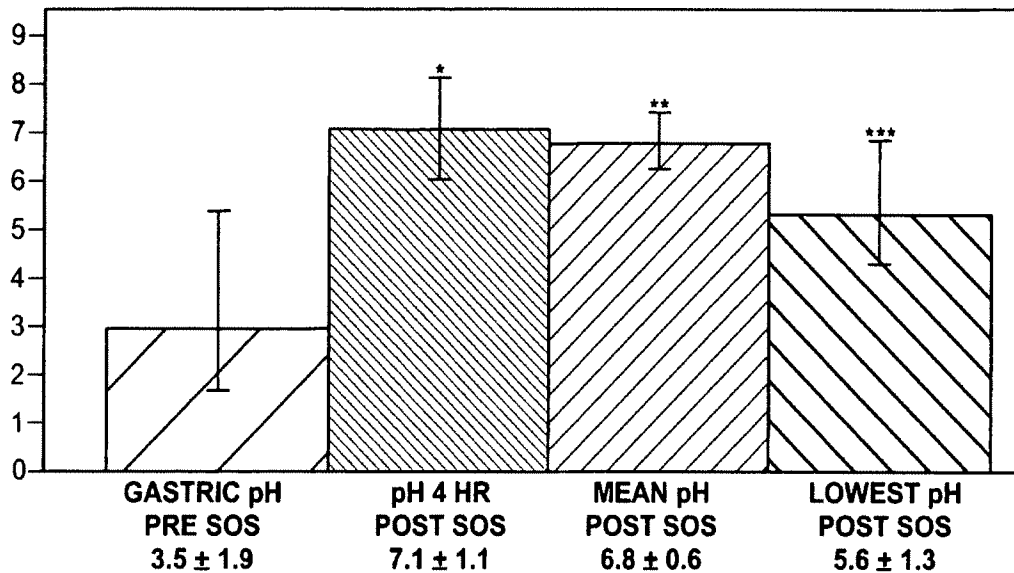
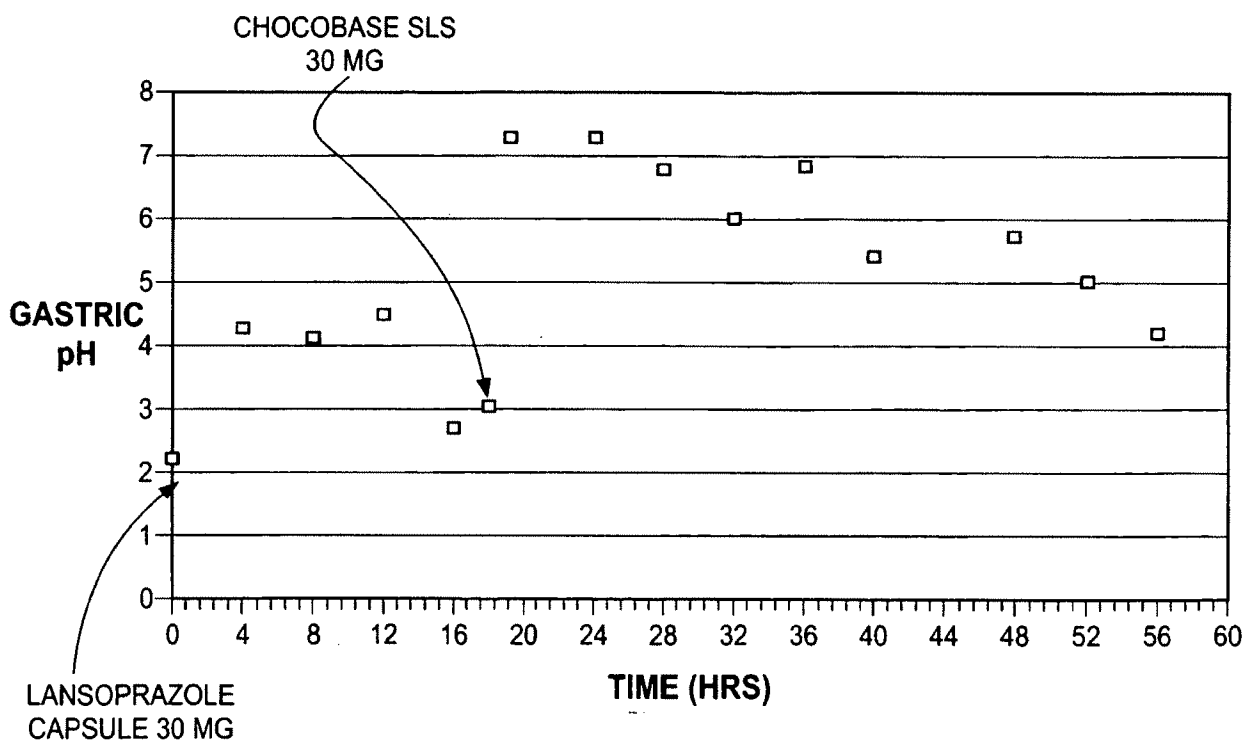


FIG. 4





PART B - FEE(S) TRANSMITTAL

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Jeffrey M. Phillips (Depositor's name)
[Signature] (Signature)
9 Feb 2002 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CORRESPONDENCE NO.
09481207	01/11/2000	JEFFREY OWEN PHILLIPS	40013030-003	3317

TITLE OF INVENTION: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND METHOD OF USING SAME

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$0	\$640	04/24/2002

EXAMINER	ART UNIT	CLASS-SUBCLASS
FAN, JANE Y	1833	314.33.0000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.333).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/123) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Mayer, Brown, Rowe & Maw
Joseph A. Mahoney
Thomas R. Stiebel

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(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

The Curators of the University of Missouri Columbia, Missouri

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee

☐ Advance Order - # of Copies 10

4b. Payment of Fee(s):

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☐ Payment by credit card. Form PTO-3038 is attached.

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Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) *Joseph A. Mahoney* (Date) 7-9-02

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